

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Brandon Houle,

Court File No. 23-cv-00528 (WMW/LIB)

Plaintiff,

**PLAINTIFF'S STATEMENT
OF THE CASE**

vs.

**City of Duluth; and Officers Adam Huot,
Morgan Cekalla, and Beau Hughes, in
their individual and official capacities,**

Defendants.

STATEMENT OF FACTS

On May 20, 2017, at approximately 10:30 pm, Officers Huot, Cekalla and Hughes responded to a call about trespassers in the Tech Village parking ramp, a private facility. Officer Huot was the senior officer on the scene. Upon arrival, the officers found that no one was in the ramp. However, they found Mr. Houle and another man in the skywalk adjacent to the parking ramp. The officers told the two men they had to leave.

Mr. Houle was homeless at the time. He was well-known to the officers who characterized him as sometimes loud and boisterous but never violent or a safety risk. Mr. Houle told the officers, "I'm looking for my girlfriend." Officer Cekalla suggested that Mr. Houle call his girlfriend. Officer Huot told the two men they would be mailed citations for trespassing and told them to "walk away." The other man walked away from the scene.

Mr. Houle verbally objected to being charged. Officers Huot and Hughes then handcuffed Mr. Houle behind his back. Mr. Houle verbally protested his arrest. As Officers Huot and Hughes walked Mr. Houle down the skywalk toward the parking ramp where their squad car was located, Mr. Houle fell to the floor. Without attempting to help Mr. Houle to his feet, Officer

Huot reached down, grabbed the handcuff chain and began dragging Mr. Houle down the hallway. Because his hands were handcuffed behind his back, Mr. Houle's arms were pulled far up behind him, nearly even with his shoulders.

Officers Cekalla and Hughes watched Officer Huot drag Mr. Houle but made no effort to physically intervene, though Officer Cekalla instructed Officer Hughes to "Pick him up, help him." Officer Hughes made no effort to catch up with Officer Huot or to assist Mr. Houle. Officer Huot continued dragging Mr. Houle toward the parking ramp. Once they reached the door, Officer Huot pulled Mr. Houle through the door, causing his head to slam into the metal door frame. At that point, Officer Cekalla screamed "Adam" but, again, made no effort to stop Officer Huot. Officer Huot did not stop even after Mr. Houle's head hit the door frame. He did not check on Mr. Houle's well-being. Once the officers and Mr. Houle reached the elevator, Officers Hughes and Huot got Mr. Houle to his feet.

After exiting the elevator, Mr. Houle had difficulty standing. At one point, he began to slump to his knees. Officer Huot told him, "Brandon, grow the fuck up, right now" and a few seconds later, as Mr. Houle walked through the parking ramp, Officer Huot told him, "You're such a child." Mr. Houle was taken by ambulance to a hospital for assessment of his head and wrist injuries. Later that night, Officer Huot contacted Officers Cekalla and Hughes. The three officers met briefly. Officer Huot stated that he wanted to make sure that all were "...on the same page about what happened." Officer Huot did not apologize for his conduct and he did not acknowledge that his conduct was inappropriate. Officers Cekalla and Hughes did not challenge Officer Huot or state that they were upset in any way by his treatment of Mr. Houle.

After returning to headquarters, Officer Cekalla relayed the incident to a senior officer and wrote an incident report about it. Officer Huot did not report the incident with Mr. Houle to

police leadership. Prior to his use of excessive force on Mr. Houle, Officer Huot was involved in three prior excessive force incidents. In one incident, he repeatedly punched a man in the head who was pinned to the floor by three other officers, causing head injuries to the man. The man was in the middle of a mental health crisis. Despite these multiple excessive force incidents, Officer Huot received only coaching, additional training, and a 12 hour reduction in his banked non-paid vacation time.

As a result of Officer Hoot's excessive force and the failure to intervene by Officers Cekalla and Hughes, Mr. Houle suffered a traumatic brain injury, requiring medical attention. As a result of the actions of Officers Huot, Cekalla and Hughes, Mr. Houle suffered loss of freedom and liberty, emotional distress, and violation of his constitutional rights.

LEGAL CLAIMS

Plaintiff is seeking relief under federal law and 42 U.S.C. § 1983. Specifically, Mr. Houle is seeking relief for excessive use of force under the First Amendment to the United States Constitution as well as First Amendment retaliation. Mr. Houle is also pursuing a *Monell* claim as well as a negligence claim under Minnesota state law.

THE LAW OFFICE OF ZORISLAV R. LEYDERMAN

Dated: July 22, 2023

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